

DESIMONE LAW OFFICES
JOHN G. DESIMONE, LLC - ATTORNEYS AT LAW
66 Euclid Street, Suite B
P.O. Box 237
Woodbury, NJ 08096
Phone: (856) 848-8800
Fax: (856) 848-8939

By: John G. DeSimone, Esquire
Attorney for Appellant

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1093-02T2

G. PHILIP LEWIS,)	<u>Civil Action</u>
Appellant,)	CERTIFICATION
v.)	
BOARD OF TRUSTEES,)	
PUBLIC EMPLOYEES')	
RETIREMENT SYSTEM,)	
Respondent.)	

I, JOHN G. DeSIMONE, ESQUIRE, hereby certify:

1. I am an attorney licensed to practice law in the State of New Jersey. I represent APPELLANT, G. PHILIP LEWIS, in the above captioned matter.

2. In response to Deputy Attorney General, Debra A. Allen's, Certification in Support of the Respondent's Request for Additional Time to Answer the Appellant's

Brief, the Appellant did file a Corrected Notice of Appeal with this Court on November 19, 2002.

3. On December 16, 2002, the Appellant filed an Amended Notice of Appeal with this Court.

4. On December 17, 2002, the Deputy Attorney General's office filed a Statement of Items and Civil Case Information Statement, which resulted in a scheduling Order indicating, the "time for filing and serving Briefs and Appendices", with deadline dates. Please see Exhibit "A".

5. On December 31, 2002, my office had hand delivered the Brief of Appellant, G. Philip Lewis. [Please see Exhibit "B", copies of New Jersey Lawyer's Service and Proof of Mailing indicating filing of service of Appellant, G. Philip Lewis', made January 31, 2003.] I am unsure why Debra A. Allen, DAG did not receive her copy of the Appellant's Brief prior to February 3, 2003 as mentioned in her Certification; however, Exhibit "B" shows the Appellant's filing was timely.

5. On February 5, 2003, my office received a Notice that the Appellant, G. Philip Lewis' Brief and/or Appendix were found to be deficient and the time for the filing of the Respondent's Brief would be no later than thirty (30)

days from receipt of the corrected Brief and/or Appendix. Please see Exhibit "C".

6. On February 11, 2003 at 3:10 p.m. a staff member from my office contacted Kevin W. Collins of Team 2, as offered in the Notice of February 5, 2003 as described in Exhibit "C" attached hereto. Mr. Collins said the font size was incorrect and that the Brief was to contain no more than sixty-five (65) words and spaces per line. He further mentioned that there would be no table of contents if this were a Letter Brief and that a white cover was the correct color, to cover the Brief. The Appellant had submitted a cream color cover, which is to be used for replies. Mr. Collins was kind enough to further advise my office that this corrected Brief was due within ten (10) days of this date of that conversation, or February 21, 2003.

7. Mr. Collins advised my office to serve our adversary with a corrected copy of the Brief. Please see Exhibit "D" for proof of delivery to Debra A. Allen, DAG. Delivery was made February 21, 2003, via Federal Express.

8. On February 20, 2003 the corrected Brief was filed with the Clerk's office and delivered to Debra A. Allen, DAG. Please see Exhibit "D" for proof of mailing

and the February 21, 2003 Federal Express Tracking that shows proof of delivery.

9. The Deputy Attorney General's office had until March 21, 2003 to file the Respondents' Brief and Appendix on behalf of The Board of Trustees, Public Employees' Retirement System. Specifically, this was pursuant to the Notice dated February 5, 2003, and more fully described in Exhibit "C", attached hereto. The Notice of February 5, 2003 is clear in that it shows the Respondent had until March 21, 2003 to file a Response to the Appellate Brief.

10. The Deputy Attorney General's office said they did not receive a copy of the Appellant's corrected Brief until February 25, 2003; however, as Exhibit "D" shows the Brief was Federal Expressed on February 20, 2003 and received February 21, 2003, which is the day it was due pursuant to Kevin W. Collins' conversation with my staff, held February 11, 2003 at 3:10 p.m.

11. On March 20, 2003, Debra A. Allen, DAG, sent to James M. Flynn, a letter requesting a thirty (30) day extension to submit the Respondent's Brief. My office made a same day response on Tuesday, March 25, 2003. Please see Exhibit "E" for Ms. Allen's request and my objections as to her request.

12. The Deputy Attorney General's request for a thirty (30) day extension came on the day the Respondent's Brief was due pursuant to Clerk, James M. Flynn's, letter of February 5, 2003. Please see Exhibit "C" indicating the Respondent's Brief was due thirty (30) days from the receipt of the corrected Brief. The corrected Brief was Federal Expressed to the Deputy Attorney General's office on February 20, 2003. Please see Exhibit "D" for Proof of Service, proof of Federal Express Tracking and proof of receipt.

13. In response to Paragraph Eight (8) of Ms. Allen's Certification, where it says, "the confluence of events" that occurred to her, making it impossible to file the Respondent's Brief occurred on March 13, 2003, or one (1) week from the due date of the Respondent's Brief, as directed in the February 5, 2003 letter sent from the Clerk, James M. Flynn, as more specifically described in Exhibit "C" attached hereto.

14. Much like Ms. Allen's children, my child suffered the flu; my wife and I also suffered the flu in addition to my demanding work schedule as a solo practitioner. However, I have a client to serve and managed to meet the deadlines asked by the office of the Clerk, James M. Flynn,

of the Appellate Division. The deadlines requested by the Clerk to answer, should also be expected of our Deputy Attorney General's Office.

15. If the Deputy Attorney General's office had a Respondent's Brief due on March 21, 2003, it should have been provided by the Deputy Attorney General's office on that date, not on April 28, 2003, as shown in Exhibit "F" attached hereto.


16. Clearly, the Respondent failed to timely respond with their Brief as directed in the Clerk, James M. Flynn's, letter dated February 5, 2003.

17. The scheduling Order as described in Exhibit "A" attached hereto is clear. It is the Appellant's request that the Respondent be subject to preclusion from further participation in the Appeal and that the Respondent's Brief ~~not be heard pursuant to the scheduling Order filed~~ December 18, 2002 as more fully described in Exhibit "A" attached hereto.

I CERTIFY the above-mentioned statements made by me are true and in the event that any statements made by me are willfully false I am subject to punishment.

DESIMONE LAW OFFICES
JOHN G. DeSIMONE, LLC - ATTORNEYS AT LAW

Dated: 5/8/07



JOHN G. DeSIMONE, ESQUIRE
Attorney for Appellant

EXHIBIT "A"

A-1093-02T2

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-001093-02T2

FILED
APPELLATE DIVISION

DEC 18 2002

Jon Flynn
CLERK

G PHILIP LEWIS
VS
PERS

SCHEDULING ORDER

An appeal having been filed in the above matter,

IT IS HEREBY ORDERED that the time for filing and serving briefs and appendices shall not be later than as follows:

- | | |
|--|----------|
| (a) Brief and appendix of appellant: | 01/31/03 |
| (b) Brief and appendix, if any,
of each respondent: | 03/03/03 |
| (c) Reply, if any, of appellant: | 03/13/03 |

IT IS FURTHER ORDERED that if appellant has not already filed three additional copies of the transcript with the Clerk and served one copy on any one respondent for the use of all the respondents, same are to be filed and served within ten days hereof; and

IT IS FURTHER ORDERED that five copies of each brief and appendix shall be filed with the Clerk and within ten days thereof, a proof of service shall be filed with the Clerk indicating that two copies were served on each party to the appeal and one copy of the transcript was served on any one respondent; and

IT IS FURTHER ORDERED that in the event of default by appellant regarding any provision of this order, THE APPEAL WILL BE SUBJECT TO DISMISSAL WITHOUT FURTHER NOTICE; and

IT IS FURTHER ORDERED that if any respondent fails to file a brief within the time directed by this order, such respondent will be subject to preclusion from further participation in the appeal.

WITNESS, the Honorable Sylvia B. Pressler, Presiding Judge for Administration, at Trenton, this 18 day of December, 2002.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.

Jon Flynn
CLERK OF THE APPELLATE DIVISION

Jon Flynn
JAMES M. FLYNN
CLERK OF THE APPELLATE DIVISION

EXHIBIT "B"

ORIGINAL

NEW JERSEY LAWYERS SERVICE

NEWARK — UNION — CHERRY HILL
TEL. (908) 686-7300
FAX (908) 686-5648

CLIENT/MATTER #:

REQUESTING LAWYER:

ORDERED BY:

SAME DAY DELIVERY

DATE: 1-31-03

CALL TIME: _____ SAME DAY RETURN _____

ITEM: _____

CLIENT/MATTER: _____

NO. <u>68308</u>	
SERVICE	
RETURN	
WAIT TIME	
ADD. STOP	
P.M.	
TOTAL	

PICKUP FROM
John De Simone
66 Euclid Ave
Woodbury NJ 08096
 SEE:

DELIVER TO:
James M Flynn Clerk
Appellate Division
25 W Market st
Trenton NJ 08625
 SEE:

SPECIAL INSTRUCTIONS WAIT DO NOT WAIT DELIVER TO NAMED PERSON ONLY

ck/ John De Simone
66 Euclid Ave
Woodbury, NJ 08096

RECEIVED _____ DATE _____ TIME _____ AM PM
 RECEIVED BY: X SIGNATURE
 PRINT NAME: Vic MAZZA

NO. 68309

NEW JERSEY LAWYERS SERVICE

NEWARK — UNION — CHERRY HILL
TEL. (908) 686-7300
FAX (908) 686-5648

CLIENT/MATTER #:
REQUESTING LAWYER:
ORDERED BY:

SERVICE	
RETURN	
WAIT TIME	
ADD. STOP	
P.M.	
TOTAL	

SAME DAY DELIVERY

DATE: 1-31-03

CALL TIME: _____ SAME DAY RETURN _____

ITEM: _____

CLIENT/MATTER: _____

PICKUP FROM
 De Simone Law Offices
 66 Euclid Ave
 Woodbury NJ 08096

DELIVER TO:
 Kathleen Coates Secretary
 Public Employees Ret System
 50 W State
 Trenton NJ 08625

SEE: _____

SPECIAL INSTRUCTIONS WAIT DO NOT WAIT DELIVER TO NAMED PERSON ONLY

ck/ John De Simone
 66 Euclid Ave.
 Woodbury, NJ 08096

RECEIVED _____ DATE _____ TIME _____ AM PM
 RECEIVED BY: X J Engman SIGNATURE
 PRINT NAME: _____

JAN 31 2003
SUPERIOR COURT
OF NEW JERSEY

DESIMONE LAW OFFICES
JOHN G. DeSIMONE, LLC - ATTORNEYS AT LAW
66 Euclid Street - Suite B
P.O. Box 237
Woodbury, New Jersey 08096
Phone: (856) 848-8800
Fax: (856) 848-8939

Attorney of G. Philip Lewis

G. PHILIP LEWIS,	:	SUPERIOR COURT OF NEW JERSEY
	:	APPELLATE DIVISION
Appellant,	:	
v.	:	DOCKET NO: A-001093-02T2
	:	
BOARD OF TRUSTEES,	:	<u>CIVIL ACTION</u>
PUBLIC EMPLOYEES' RETIREMENT	:	
SYSTEM,	:	PROOF OF SERVICE
	:	
Respondent.	:	
	:	

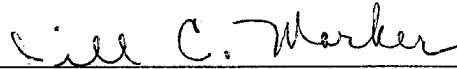
The original of the within Brief of Appellant, G. Philip Lewis, and Proof of Service were hand delivered for filing with James M. Flynn, Clerk, Appellate Division, Superior Court of New Jersey, Hughes Justice Complex, 25 West Market Street, Trenton, New Jersey 08625.

On Friday, January 31, 2003, I, the undersigned, had hand delivered to Kathleen Coates, CEBS, Secretary, Public Employees' Retirement System, 50 West State Street, Trenton, New Jersey 08625-0295; and David Dembe, SDAG and Debra A. Allen, DAG, both located at the Office of the Attorney General, Hughes Justice Complex, 25 West Market Street, Trenton, New Jersey 08625.

BRIEF OF APPELLANT, G. PHILIP LEWIS, and PROOF OF SERVICE

I certify that the foregoing statements made by me are true, I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 31, 2003


JILL C. MARKER

DeSimone Law Offices
John G. DeSimone, LLC
Attorneys At Law

66 Euclid Street
Suite B
P.O. Box 237
Woodbury, NJ 08096

EXHIBIT "C"

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION



25 March 03

JAMES M. FLYNN
CLERK
JACK G. TRUBENBACH
CHIEF COUNSEL

RICHARD J. HUGHES JUSTICE COMPLEX
PO BOX 006
TRENTON, NEW JERSEY 08625-0006
(609) 292-4822

DATE: February 05, 2003

RE: Docket No. A-1093-02T2

G. Philip Lewis
vs
PERS

Dear Counsel:

Appellant's brief and/or appendix were found to be deficient. The deficiency is of such a nature so as to toll the time for the filing of respondent's brief. Respondent's brief will now be due 30 days from the receipt of the corrected brief and/or appendix.

If you have any questions, please contact
Kevin W. Collins/Team 2/(609) 292-6999

JAMES M. FLYNN
CLERK

Enclosures
cc: All Counsel

EXHIBIT "D"



FedEx Express
 Customer Support Trace
 3875 Airways Boulevard
 Module H, 4th Floor
 Memphis, TN 38116

U.S. Mail: PO Box 727
 Memphis, TN 38194-4643

Telephone: 901-369-3600

5/6/2003

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Delivery Information:

Signed For By: H.WOODS

Delivery Location: 25 W MARKET ST 1ST FL DAG

Delivery Date: February 21, 2003

Delivery Time: 1007

Shipping Information:

Tracking No: 828493500897

Ship Date: February 20, 2003

Recipient:

DAVID DEMBE SDAG
 DEBRA A ALLEN DAG
 25 WEST MARKET ST ATTERNY
 TRENTON, NJ 08625
 US

Shipper:

JOHN G DE SIMONE LLC
 DESIMONE, JOHN G, ESQ
 22 N BROAD ST STE 206
 WOODBURY, NJ 080964603
 US

Shipment Reference Information:

Thank you for choosing FedEx Express. We look forward to working with you in the future.

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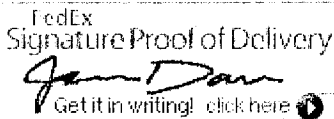
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Successful Tracks

Tracking Number	Status	Destination	Date/Time
828493500897	Delivered	TRENTON NJ	02/21/2003 10:07
828493500901	Delivered	TRENTON NJ	02/21/2003 09:28

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DeSIMONE LAW OFFICES
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Fax: (856) 848-8939

Attorney for G. Philip Lewis

G. PHILIP LEWIS,	:	SUPERIOR COURT OF NEW JERSEY
	:	APPELLATE DIVISION
Appellant,	:	
v.	:	DOCKET NO: A-001093-02T2
	:	
BOARD OF TRUSTEES,	:	<u>CIVIL ACTION</u>
PUBLIC EMPLOYEES' RETIREMENT	:	
SYSTEM,	:	PROOF OF SERVICE
	:	
Respondent.	:	

The original of the within Brief of Appellant, G. Philip Lewis, and Proof of Service were sent Via FedEx Overnight Mail for filing with Kevin W. Collins, Case Manager of Team 2, Appellate Division, Superior Court of New Jersey, Richard J. Hughes Justice Complex, 25 West Market Street, Trenton, New Jersey 08625.

On Thursday, February 20, 2003, I, the undersigned sent Via FedEx Overnight Mail to Kathleen Coates, CEBS, Secretary, Public Employees' Retirement System, 50 West State Street, Trenton, New Jersey 08625; David Dembe, SDAG and Debra A. Allen, DAG, both located at the Office of the Attorney General, Richard J. Hughes Justice Complex, 25 West Market Street, New Jersey 08625, the following:

BRIEF OF APPELLANT, G. PHILIP LEWIS, and PROOF OF SERVICE

I certify that the foregoing statements made by me are true, I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: February 20, 2003


Elizabeth D. Costill

DESIMONE LAW OFFICES
JOHN G. DeSIMONE, LLC – ATTORNEYS AT LAW

66 Euclid Street – Suite B
P.O. Box 237
Woodbury, New Jersey 08096-7057

Phone: (856) 848-8800
Fax: (856) 848-8939

www.desimonelawyer.com

John G. DeSimone

Samuel G. DeSimone
Counselor to the Firm

February 20, 2003

Sent Via FedEx Overnight Mail

Kevin W. Collins, Case Manager
Superior Court of New Jersey, Appellate Division
Richard J. Hughes Justice Complex
25 Market Street (P.O. Box 006)
Trenton, New Jersey 08625

Re: In the Matter of G. Philip Lewis
Docket No. A-1093-02T2

Dear Mr. Collins:

Enclosed please find the original and five (5) copies of a corrected Brief to be filed on behalf of Appellant, G. Philip Lewis, and Proof of Mailing, in the above captioned matter. This Brief replaces the Brief, which was originally filed on January 31, 2003.

Would you kindly file the enclosed Brief and Proof of Mailing and return a conformed copy in the self-addressed stamped envelope provided herein for your convenience.

Many thanks for your time and consideration. In the event you should have any questions please do not hesitate to call.

Respectfully submitted,



JOHN G. DeSIMONE, ESQUIRE

JGD/jld/jcm

Enclosures

Cc: Kathleen Coates, CEBS, Secretary, Board of Trustees of PERS
David Dembe, SDAG
Debra A. Allen, DAG
G. Philip Lewis

EXHIBIT "E"



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
RICHARD J. HUGHES JUSTICE COMPLEX
25 MARKET STREET
PO BOX 112
TRENTON, NJ 08625-0112
E-Mail: Allendeb@law.dol.lps.state.nj.us
(609) 292-8557

PETER C. HARVEY
Acting Attorney General

PAUL P. JOSEPHSON
*Assistant Attorney General
Director*

JAMES E. MCGREEVEY
Governor

March 20, 2003

James M. Flynn, Clerk
Superior Court of New Jersey
Appellate Division
R.J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625

Re: G. Philip Lewis v. Board of Trustees, Public
Employees' Retirement System
Docket No. A-1093-02T2

Dear Mr. Flynn:

I respectfully request a 30-day extension of the filing date for Appellant's brief from March 24, 2003 to April 24, 2003. I am requesting this extension, due to an extensive hearing schedule. My secretary has left several messages requesting consent for the extension, and our adversary has not returned our calls.

If I do not hear otherwise from the Appellate Division, I will assume this request has been granted.

CERTIFICATION

I hereby certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Sincerely yours,

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Debra A. Allen (kv)

Debra A. Allen
Deputy Attorney General

DAA:lv
c: John G. DiSimone, Esq.



DESIMONE LAW OFFICES
JOHN G. DeSIMONE, LLC - ATTORNEYS AT LAW

66 Euclid Street - Suite B
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Woodbury, New Jersey 08096-7057

Phone (856) 848-8800
Fax: (856) 848-8939

John G. DeSimone

Samuel G. DeSimone
Counselor to the Firm

www.desimonelawyer.com

March 25, 2003

Via Federal Express Mail #839715977499

James M. Flynn, Clerk
Superior Court of New Jersey
Appellate Division
R.J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625

Re: G. Philip Lewis v. Board of Trustees, Public Employees' Retirement System
Docket No. A-1093-02T2

Dear Mr. Flynn:

I am in receipt of Debra A. Allen, Deputy Attorney General's letter dated March 20, 2003, which I enclose herein for your review. This is in response to her request for a thirty-day extension to respond to my client's Appellate Brief.

Ms. Allen indicated in her letter that her secretary left several messages requesting consent for an extension of time and that I had not returned the secretary's calls. This is incorrect. Specifically, Ms. Allen's secretary contacted my office on March 19, 2003 at 11:25 a.m., asking for a thirty-day extension. The caller stated that Ms. Allen had been ill and that they requested a thirty-day extension.

On March 19, 2003, (the same day) I spoke to my client, G. Philip Lewis who is adamantly opposed to granting any extension requests. It was later in the afternoon that I telephoned Ms. Allen's office and left a voice message on Ms. Allen's secretary's answering machine, advising her of my client's position.

On March 20, 2003, at approximately 3:35 p.m., a staff member of mine, called Kevin Collins, Case Manager in the Appellate Division informing him that Ms. Allen's office had requested a thirty-day extension and that our client's position was that we objected to any extension.

On March 24, 2003 at approximately 10:30 a.m. Ms. Allen contacted my office and left a message regarding a request for a thirty-day extension.

In the early afternoon of March 24, 2003, Ms. Allen called my office again and I had my staff ask her to hold so that I could speak to her regarding her earlier message. I spoke to Ms. Allen and echoed my client's objection to her request for a thirty-day extension.

As the above chronology of telephone calls lists and describes, it is not true that my office does not return calls. It is always the practice of my office to return calls, particularly in light of the fact that attorneys are frequently accused of not returning calls.

Many thanks for your time and consideration of my client's objection to a thirty-day extension of time for the Attorney General's office to respond to my client's appeal.

Very truly yours,

JOHN G. DeSIMONE, ESQUIRE

JGD:rm
 Enc.
 cc: G. Philip Lewis
 Debra A. Allen, Deputy Attorney General

FedEx USA Airbill Express Tracking Number **839715977499**

Form ID: No **0200** **Sender's Copy**

From Please print and postmark.
 Date 3/25/03 Sender's FedEx Account Number 2420-7621-4

Sender's Name John G. DeSimone, LLC Phone (856) 848-8800

Company De Simone Law Offices

Address 66 Euclid St., Suite B Dept./Floor/Suite/Room

City Woodbury State NJ ZIP 08096

Your Internal Billing Reference
 First 24 characters will appear on invoice.

To Recipient's Name JAMES M. Flynn, Clerk Phone (609) 292-8557 4822
Superior Ct. of N. J.
Appellate Div.
 Company RJ Hughes Justice Complex

Address 25 Market Street We cannot deliver to P.O. boxes or P.O. ZIP codes.

City Trenton State NJ ZIP 08625-0006

4a Express Package Service Packages up to 150 lbs. Delivery commitment may be later in some areas.

FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight Earliest next business morning delivery to select locations

FedEx 2Day Second business day FedEx Envelope rate not available. Minimum charge: One-pound rate FedEx Express Saver Third business day

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.

FedEx 1Day Freight* Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day

* Call for Confirmation.

5 Packaging * Declared value limit \$500

FedEx Envelope* FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak Other

6 Special Handling Include FedEx address in Section 3.

SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? One box must be checked.

No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, 9, UN 1845 x kg Cargo Aircraft Only

Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. 2420-7621-4 Exp. Date

Credit Card No.

Total Packages 1 Total Weight Total Declared Value* \$ 00

* Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

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By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

446

EXHIBIT "F"

PETER C. HARVEY
Acting Attorney General of New Jersey
Attorney for Respondent,
Board of Trustees, Public
Employee's Retirement System
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

By: Debra A. Allen
Deputy Attorney General
(609) 292-8557

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1093-02T2

G. PHILIP LEWIS,)

Appellant,)

Civil Action

v.)

BOARD OF TRUSTEES,)
PUBLIC EMPLOYEE'S)
RETIREMENT SYSTEM,)

CERTIFICATION OF SERVICE

Respondent.)

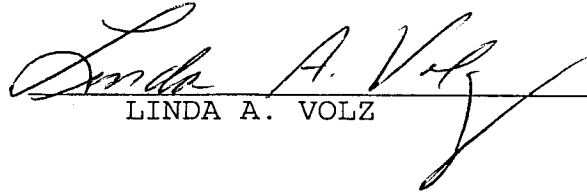
LINDA A. VOLZ, of full age, hereby certifies that:

1. I am employed with the Division of Law, Department of Law and Public Safety, State of New Jersey.

2. On April 28, 2003, at the direction of Debra A. Allen, Deputy Attorney General, I served two copies of the Motion for Extension of Time to File Brief Nunc Pro Tunc, Certification of Debra A. Allen in support of Respondent's Motion for Extension of time to file brief Nunc Pro Tunc, and Brief and Appendix in the above-captioned matter by mailing same regular mail to:

John G. DeSimone, Esq.
66 Euclid Street - Suite B
Woodbury, New Jersey 08096

3. I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


LINDA A. VOLZ

DATED: April 28, 2003



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
RICHARD J. HUGHES JUSTICE COMPLEX
25 MARKET STREET
PO BOX 112
TRENTON, NJ 08625-0112
E-Mail: Allendeb@law.dol.lps.state.nj.us
(609) 292-8557

JAMES E. MCGREEVEY
Governor

PETER C. HARVEY
Acting Attorney General

PAUL P. JOSEPHSON
*Assistant Attorney General
Director*

April 28, 2003

James Flynn, Clerk
Superior Court of New Jersey
Appellate Division
R.J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625

Re: G. Philip Lewis v. Board of Trustees,
Public Employee's Retirement System
Docket No. A-1093-02T2

Dear Mr. Flynn:

Enclosed for filing, please find an original and four copies of the Motion for Extension of Time to file brief Nunc Pro Tunc, Certification of Debra A. Allen in support of Respondent's Motion for Extension of time to file brief Nunc Pro Tunc, and Brief and Appendix. Also enclosed is an original and one copy of the Certification of Service.

Thank you.

Sincerely yours,

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Debra A. Allen
Deputy Attorney General

DAA:lv
Encl.
c: John G. DeSimone, Esq.



PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Respondent
Board of Trustees, Public
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By: Debra A. Allen
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(609) 292-8557

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1093-02T2

G. PHILIP LEWIS,)
)
Appellant,)
)
v.)
)
BOARD OF TRUSTEES OF THE)
PUBLIC EMPLOYEES' RETIREMENT)
SYSTEM,)
)
Respondent.)

Civil Action

MOTION FOR EXTENSION
OF TIME TO FILE BRIEF
NUNC PRO TUNC

TO: James Flynn, Clerk
Superior Court of New Jersey
Appellate Division
P.O. Box 006
Trenton, NJ 08625

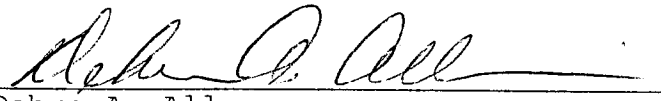
John G. DeSimone, Esquire
66 Euclid Street - Suite B
Woodbury, New Jersey 08096

SIRS:

Please take notice that respondent, Board of Trustees of the Public Employees' Retirement System, moves the Superior Court of New Jersey, Appellate Division, for an extension of time to file

the respondent's brief in this matter nunc pro tunc. In support of this motion, respondent will rely upon the attached certification.

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Respondent

By: 
Debra A. Allen
Deputy Attorney General

Dated: April 28, 2003